

UNITED STATES DISTRICT COURT
EASTERN DISTRICT x
OF NEW YORK -----

May 30, 2024
AMENDED
22-CV-2396
(NRM)(JRC)

VIDYARTIE GANESH,
Plaintiff,

ORIGINAL

-against-

NYPD POLICE OFFICER WILLIAM CLEMENS, SHIELD # 27464;
POLICE OFFICER PATRICK FITZMAURICE, SHIELD # 11671; POLICE
OFFICER SGT JOHN MCCORMICK; POLICE OFFICER LT SIMON;
POLICE OFFICERS JOHN/JANE DOES(S) # 1-3; JOHN AND JANE DOE
STATE PROSECUTOR; DARA E. MCCANTS; THE CITY OF NEW YORK;
THE LEGAL AID SOCIETY; HOME DEPOT, INC., POLICE OFFICER
DETECTIVE LOUIS RABIN; POLICE OFFICER BRENDAN
LANGENFELD.

Defendants.

----- x TRIAL BY JURY DEMANDED

REC'D IN P. J SE OFFICE
AUG 8 14 PM 2:51

AMENDED COMPLAINT FOR JOHN DOE POLICE OFFICERS DEFENDANTS
NYPD POLICE OFFICER DETECTIVE LOUIS RABIN, SHIELD No. 2660 AND
NYPD POLICE OFFICER BRENDAN LANGENFELD, SHIELD No. 8201.

Plaintiff VIDYARTIE GANESH, for his Complaint, Proceeding Pro –Se
upon information and belief, Respectfully alleges to this Federal COURT
as follows: And (hereinafter “GANESH” or “Plaintiff”).

1. By ORDER of this Honorable Court on May 9, 2024, Plaintiff
VIDYARTIE GANESH was GRANTED leave of the Court to Amend this

Complaint dated April 26, 2022, to add Two JOHN DOE DEFENDANTS POLICE OFFICERS Names mentioned hereinabove, which were Provided to Plaintiff by the Former City Attorney JEFFREY FRANK, after MONTHS and MONTHS of Willful and Dishonest DELAY in Order to Block and Obstruct the Lawful and TIMELY Claims and Prosecution of these Two John Doe NYPD Police Officers.

2. This Federal COURT has given Many Extensions of TIME to the CITY former Attorney JEFFREY FRANK to Provide the Names of these Two John Doe NYPD Police Officers.
3. On July 25, 2023, Attorney JEFFREY FRANK, Provided to Plaintiff the Names and Addresses of said NYPD Police Officers.
4. Upon Receipt on July 25, 2023 of same. Plaintiff attempted to get the SUMMONS from the Pro – Se Office of this Federal COURT, but the Pro – Se Officer Refused to Provide said Summons for these said Two John Doe Police Officers.
5. On May 9, 2024, the COURT addressed the Issue and ORDERED that the Amended Complaint be Filed on May 30, 2024.
6. This COURT did Not Order the SUMMONS on May 9, 2024.
7. With the Greatest of Respect any DELAY in Obtaining and Serving the Summons is CAUSED by this COURT because Plaintiff VIDYARTIE GANESH fully PAID this COURT for this LAWSUIT in Full.

8. Any DELAY said mentioned hereinabove John Doe Police Officers will Raise or the Defendant City of New York will Raise will be in BAD FAITH due to their Dishonest and Fraudulent CONCEALMENT of their own Names and Addresses and MUST be ATTRIBUTED to Them and the Defendant City of New York who Employed Them and to Federal Trial Lawyer Mr. Jeffrey Frank.
9. Please See annexed hereto COURT Failed to Consider if Jurisdiction Contacts Could be ATTRIBUTED to Defendants. Circuit JUDGE John M. Walker, Jr. Second Circuit. 2023. And See also attached Second Circuit JUDGE Raymond J. Lohler, Jr. CREDIBILITY ISSUE. July 25, 2023 Chen V. Garland, 19-715ag. And See attached COURT Compels Plaintiff to Accept Untimely Answer Due to EXCUSABLE Delays. Linton V. City of New York, 153841/2021 July 29, 2023, by New York Acting Supreme Court Justice J. Machelles Sweeting. New York City Filed Answer 7 Months after Service.
10. Paragraphs 1 through 90 of this COMPLAINT Dated April 26, 2022, are hereby realleged and incorporated by reference herein.
11. That this Amended Lawsuit is brought Pursuant to Title 42 USC Section 1983, the 4th and 14th Amendments to the United States Constitution Prohibits Unlawful Search and Seizure, including Unlawful Detention as well Unlawful Arrest of Innocent People without Probable Cause and without any Warrant for the Arrest of the Innocent or said Hostage GANESH; and Pursuant to the First, Fifth, and Eighth Amendments of the United States Constitution and the Eight Amendment Prohibits CRUEL and UNUSUAL Punishment, EXTREME SUFFERING, TORTURE, and STARVATION and CRUELITY to

Humans and Deprivation of a Constitutional Right and Constitutional Violations.

12. That this Amended Lawsuit is brought Pursuant to Authority Monell V. Dep't of Social Servs. Of City of New York, 436 U.S. 658, 694 (1978); See also Cash V. Cnty. Of Erie, 654 F. 3d 324, 333 (2dCir. 2011). ; Pursuant to Official Municipal Policy Caused the alleged Constitutional Injury and thus, Municipal Defendant The City of New York is Fully Liable to the Victim Plaintiff Ganesh.

13. FACTS: THESE ARE VERY SERIOUS ALLEGATIONS THAT DEMANDS JUSTICE!

14. DEFENDANTS POLICE OFFICERS DETECTIVE LOUIS RABIN SHIELD # 2660 AND BRENDAN LANGENFELD SHIELD # 8201 are Employees of City of New York and Currently assigned to 113 Precinct, 167 -02 Baisley Boulevard, Jamaica, New York 11434-2511.
15. On April 28, 2019, at approximately 11:00 am Defendants Police Officers Detective LOUIS RABIN and Police Officer BRENDAN LANGENFELD, without GANESH Consent UNLAWFULLY Arrested GANESH from a Cell at the 113 Precinct, in Jamaica, New York.
16. On April 28, 2019, at approximately 11:00 am Defendants Police Officers Detective LOUIS RABIN and Police Officer BRENDAN LANGENFELD, without GANESH Consent UNLAWFULLY Arrested GANESH from a Cell at the 113 Precinct, in Jamaica, New York, Contrary to, and in Violation of New York Penal LAW Section 135. See attached. New York LAW Section 135.

17. On April 28, 2019, at approximately 11:00 am Defendants Police Officers Detective LOUIS RABIN and Police Officer BRENDAN LANGENFELD, without GANESH Consent UNLAWFULLY Arrested GANESH from a Cell at the 113 Precinct, in Jamaica, New York, without Probable Cause .
18. On April 28, 2019, at approximately 11:00 am Defendants Police Officers Detective LOUIS RABIN and Police Officer BRENDAN LANGENFELD, without GANESH Consent UNLAWFULLY Arrested GANESH from a Cell at the 113 Precinct, in Jamaica, New York, Without a Warrant.
19. On April 28, 2019, at approximately 11:00 am Defendants Police Officers Detective LOUIS RABIN and Police Officer BRENDAN LANGENFELD, without GANESH Consent UNLAWFULLY Arrested GANESH from a Cell at the 113 Precinct, in Jamaica, New York, Without a Warrant Signed by a JUDGE.
20. On April 28, 2019, at approximately 11:00 am Defendants Police Officers Detective LOUIS RABIN and Police Officer BRENDAN LANGENFELD, without GANESH Consent UNLAWFULLY Arrested GANESH from a Cell at the 113 Precinct, in Jamaica, New York, Without a Warrant Signed by a JUDGE.
- 21.
22. On April 28, 2019, at approximately 11:00 am Defendants Police Officers Detective LOUIS RABIN and Police Officer BRENDAN

LANGENFELD, without GANESH Consent UNLAWFULLY and Falsely Arrested GANESH from a Cell at the 113 Precinct, in Jamaica, New York, with his hands Tightly Handcuffed behind his Back and DEPRIVED GANESH of FOOD and WATER and Subject GANESH to Hunger and STRAVATION and Chest Pain and General Pain and Close to Death and Showing litter or NO Mercy.

23. By said Police Officers Defendants Conduct and Under the Color of LAW and Deliberate Indifference and Extreme Cruelty to GANESH and Human Life amounts to TORTURE in Violation of the Eighth Amendment to the United States Constitution and in Violation of New York Constitution Article 1 Section 5.

24. On April,28, 2019, at approximately 11:00 am Defendants Police Officers Detective LOUIS RABIN and Police Officer BRENDAN LANGENFELD, without GANESH Consent UNLAWFULLY Arrested GANESH from a Cell at the 113 Precinct, in Jamaica, New York, and Put GANESH in the Back of a Car. Despite GANESH told both Police Officers that he want to go the Hospital and They DENIED GANESH Request for Medical Treatment at a Hospital.

25. In Stead said Police Officer I believe was Officer LOUIS RABIN took GANESH without GANESH CONSENT to a JAILHOUSE Nurse who is Not a Doctor on April 28, 2019. GANESH SUGAR was out of CONTROL and was in Serious Pain and Hunger.

26. Despite GANESH was in Serious Pain said Police Officer I believe was Officer Detective LOUIS RABIN handed GANESH over to other Police Officers who Put GANESH in a Dirty, Nasty and Dangerous Jail Cell on April 28, 2019, Central Booking, where GANESH WAS ILLEGALLY held there for Hours.
27. The DIRTY JAIL Cell at the 113 NYPD Police Station where I was ILLEGALLY put in Solitary Confinement was DIRTY, NASTY, AND STINK with NO Running water, NO Toilet, NO Bed and a Cold Concrete Floor and I was Left in there to DIE.
28. The 113 NYPD Police Station is Owned by New York City.
29. The 113 NYPD Police Station is under the Care and Control Of New York City. And the Solitary Confinement is Owned by the City of New York.
30. GANESH Committed NO Crime. FULL STOP.
31. GANESH was NOT Convicted of Any Crime for the ILLEGAL, FALSE and Racist Arrest On April 27, 2019, based on Race and Color. AND the FALSE Criminal Case was DISMISSED.
32. The LYING POLICE FALSE WITNESS WHO GANESH NEVER SAW IN HIS LIFE WENT INTO HIDING BECAUSE SHE LIED AND COMMITTED FRAUD AND PERJURY. AND NEW YORK CITY AND NYPD NEVER PRODUCED THEIR FALSE WITNESS WHICH THE LAWYER JEFFREY FRANK SAYS SHE IS AFRICAN AMERICAN. IT WAS A COVER – UP AND A SHAM AND RIGGED.
33. NYPD POLICE REPORT IS FALSE AND FRAUDULENT.

34. New York CITY Employee NYPD POLICE OFFICER WILLIAM CLEMENS, Shield No. 27464, FABRICATED EVIDENCE along with Making FALSE Statements on April 28, 2019, against GANESH and Never Produced his False Witness Dara E. Mccants on to this Day May 30,2024. And Never ARREST said False Witness MCCANTS.
35. On April 28, 2019, at approximately 11:00 am Defendants Police Officers Detective LOUIS RABIN and Police Officer BRENDAN LANGENFELD, without GANESH Consent UNLAWFULLY Arrested GANESH from a Cell at the 113 Precinct, in Jamaica, New York, and was FALSELY ARRESTED with EXCESSIVE FORCE by said Employees herein, of THE City of New York.
36. As a Result of the VIOLATION of the Constitutional Rights, Plaintiff GANESH Suffered PHYSICAL and MENTAL INJURIES; and the Official MUNICIPAL POLICY CAUSED the CONSTITUTIONAL INJURY, for which GANESH will Suffer for the Rest of his Life.
37. The CONDUCT of Police Defendants LOUIS RABIN and BRENDAN LANGENFELD Proximately Caused Plaintiff GANESH PHYSICAL and MENTAL INJURIES.
38. At all Relevant Times, Police Defendants LOUIS RABIN and BRENDAN LANGENFELD were Acting under Color of State Law.

39. The CONDUCT of Police Defendants herein was Willful, Wanton, and RECKLESS. And a Disgrace to the Human Race. And Unbearable Human Suffering Forced upon GANESH.

40. FIRST CLAIM

42 U.S.C. SECTION 1983 DENIAL OF FAIR TRIAL

41. Paragraphs 1 through 130 are hereby realleged and incorporated by reference herein.
42. By **FABRICATING EVIDENCE**, Defendants VIOLATED Plaintiff GANESH'S Constitutional Right to a FAIR Trial.
43. Defendants were aware or Should have been aware of the **FALSITY** of the Information used to Prosecute Plaintiff – GANESH. And was Denied Equal Protection of the Laws in Violation of the 14th Amendment to the United States Constitution.
44. As a Result of the above **CONSTITUTIONALLY IMPERMISSIBLE** Conduct, Plaintiff GANESH was Caused to Suffer Personal Injuries, Violation of Civil Rights, Economic, Emotional **DISTRESS, ANGUISH, ANXIETY, FEAR, HUMILIATION, LOSS, OF FREEDOM** and **DAMAGE** to GANESH REPUTATION and **STANDING** within the United States and My Country Guyana South America, and the World.

SECOND CLAIM

42 U.S.C. Section 1983 – FALSE ARREST AND FALSE IMPRISONMENT

45. Paragraphs 1 through 134 are hereby realleged and incorporated by reference herein.
46. By their **CONDUCT** and Under Color of **LAW**, Defendants **LOUIS RABIN** and **BRENDAN LANGENFELD** DEPRIVED GANESH of **AT LEANNIGIMPRISONMENT**.

47. MR. GANESH Claims Damages and was Caused to Suffer the Deprivation of a Constitutional Right and Personal Injuries, Violation of Civil Rights, Economic, Emotional DISTRESS, ANGUISH, ANXIETY, FEAR, HUMILIATION, LOSS, OF FREEDOM and DAMAGE to GANESH REPUTATION and STANDING within the United States and My Country Guyana South America, and the World.

48. THIRD CLAIM

49. 42 U.S.C. Section 1983 – DELAY AND DENIAL OF MEDICAL TREATMENT AND FAILURE TO PROTECT WHILE IN CUSTODY.

50. Paragraphs 1 through 137 are hereby realleged and incorporated by reference herein.

51. By their CONDUCT and Under Color of LAW, Defendants

1. LOUIS RABIN and BRENDAN LANGENFELD Officers Acted with MALICIOUS OR at least Deliberate Indifference in Failing to Protect MR. GANESH from CRUELTY while in Police Custody and in FAILING to Secure the Medical Attention Require for his SERIOUS INJURIES, in a Manner that DEPRIVED GANESH of his Constitutional RIGHTS and Perpetuated and Exacerbated his PHYSICAL and MENTAL PAIN and SUFFERING and Injuries. Defendant CITY, acting under of LAW and within the Scope of its Authority, in Gross and Wanton Disregard of GANESH'S Rights DEPRIVED GANESH of his Liberty when it DENY him Medical Care while GANESH was in its Custody in Violation of GANESH Due Process and Equal Protection Rights of the 14th Amendment to the United States Constitution.

2. FOURTH CLAIM

42 U.S.C. Section 1983 – Fourteenth Amendment – Municipal Liability Against Defendant City of New York.

Paragraphs 1 through 139 are hereby Realleged and incorporated by reference herein.

52. Defendant City of New York has a Policy, Custom, or Usage of Surrounding, Charging, Innocent Persons Falsely and Falsely Imprison Them. GANESH is one of those Persons.
53. That Policy, Custom, or USAGE was a moving Force behind the VIOLATION of Plaintiff GANESH Fourteenth Amendment Rights.
54. That Policy, Custom, or Usage Proximately Caused Plaintiff GANESH's INJURIES.

Defendant CITY of New York is Liable for the UNLAWFUL ACTIONS and UNCONSTITUTIONAL ACTIONS and Constitutional VIOLATIONS of its Defendants Police Officers or Supervisory Defendants in their Capacity as Municipal Policymakers and Subjecting GANESH UNNECESSARY, UNREASONABLE, BRUTAL and EXCESSIVE FORCE. AND the Action Pursuant to Official MUNICIPAL Policy CAUSED the alleged Constitutional INJURY of Plaintiff GANESH.

55. Plaintiff will Seek Leave of the Court to Amend this Complaint when All the FACTS are Ascertained and Discovery Completed.
56. Right Now Plaintiff Ganesh is having Chest Pain as Plaintiff had 5 Heart Surgeries and Two Eye Surgeries and BLIND from the Right Eye and the Pre- Existing Conditions were Aggravated.
57. The ACTIONS of All Defendants were Intentional, Malicious, and in Bad Faith, and thus, Giving Rise to PUNITIVE DAMAGES as to ALL Defendants Including The City of New York for its Illegal and OUTRAGEOUS and Shocking BAD Behavior Paying NO Claims herein. This Case will Move Court to Court Until JUSTICE is Satisfied.

DAMAGES

As a Direct and Proximate Result of the said ACTS of the Defendants, MR. GANESH, SUFFERED the Following Injuries and Damages:

- A. VIOLATION of his Rights under the First, Fourth, Fifth, Eighth, and Fourteenth Amendments to the United States Constitution.
- B. Loss of Physical Liberty;
- C. Life Threatening Physical Injuries, Pain and Suffering, Extreme Fear, Emotional Trauma Requiring the Expenditure of Money expected to Last the of Plaintiff's Life;
- D. Economic Damages including Loss of Income ; and
- E. Humiliation, Embarrassment, and INJURY to **REPUTATION**.
The Physical, PSYCHOLOGICAL and Economic Consequences of the DEFENDANTS ACTIONS Continue to date, and upon information and belief, will Continue .

Plaintiff VIDYARTIE GANESH Due to Excessive Chest Pain had Heart Surgery done on December 16, 2021.

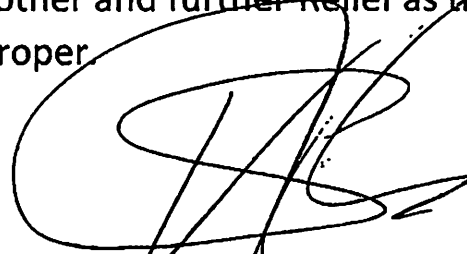
Please see Complaint Dated April 26, 2022, attached.

WHEREFORE, Plaintiff VIDYARTIE GANESH Respectfully Requests that this Honorable COURT Rule JUSTLY and JUDGMENT BE ENTERED Jointly and Severally as against All of the Defendants:

1. Award Compensatory Damages in an amount to be Determined at Trial by a Federal JURY;
2. Award PUNITIVE Damages in an amount of \$ 10 Million Dollars against Defendant Police Officer Detective LOUIS RABIN for **Starving and Torturing Plaintiff – Ganesh**
3. Award PUNITIVE Damages in an amount of \$ 8 Million Dollars against Defendant Police Officer BRENDAN LANGENFELD
4. Award PUNITIVE Damages in an amount of \$ 10 Million Dollars against Defendant City of New York
5. Awarding Plaintiff VIDYARTIE GANESH Reasonable Court Costs and Fees Pursuant to 42 USC Section 1988 ; and Interest from April 27, 2019; Granting such other and further Relief as the COURT deems Just, Fair and Proper.

DATED: New York City, United States

May 30, 2024



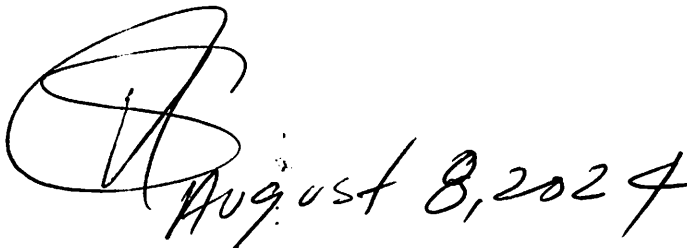
VIDYARTIE GANESH

Plaintiff- Pro-Se

191- 11 Woodhull Ave

Hollis, NY 11422 -1B

929- 304- 4954



To Defendants Attorney

Joseph Zangrilli Senior Counsel

100 Church Street

New York, New York 10007

212 356 – 2657

By Email to jzangril@law.nyc.gov

7/25/24, 6:36 PM

Gmail - Activity in Case 1:22-cv-02396-NRM-JRC Ganesh v. NYPD Police Officer William Clemens et al Status Conference



Vidyartie Ganesh <vidyartie3725@gmail.com>

Activity in Case 1:22-cv-02396-NRM-JRC Ganesh v. NYPD Police Officer William Clemens et al Status Conference

2 messages

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Wed, Jul 24, 2024 at 3:46 PM

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U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 7/24/2024 at 3:46 PM EDT and filed on 7/24/2024

Case Name: Ganesh v. NYPD Police Officer William Clemens et al

Case Number: 1:22-cv-02396-NRM-JRC

Filer:

Document Number: No document attached

Docket Text:

Minute Entry for Motion Hearing held on 7/24/2024 before Magistrate Judge James R. Cho. Appearances by *pro se* plaintiff Vidyartie Ganesh; Seamus O'Connor, Joseph P. Zangrilli for defendants City of New York, Patrick Fitzmaurice, William Clemens, John McCormick, and Darnell Simon (together, "City"). Argument heard and rulings made on the record granting plaintiff's [97] motion to amend to add two new defendants, Officers Louis Rabin and Brendan Langenfeld, who were previously named as John Doe defendants. The Court finds that plaintiff has been diligent in attempting to identify those defendants since the inception of this case. By 7/31/2024, plaintiff shall file his complete Amended Complaint along with proposed summons for the two new defendants.

By 8/30/2024, defendants shall answer, move or otherwise respond to the Amended Complaint. If defendants wish to file a dispositive motion, they should consult the District Judge's Individual Rules.

Fact discovery is extended to 9/30/2024.

Telephonic status conference scheduled for 10/1/2024 at 11:00 a.m. before Magistrate Judge James R. Cho. Parties are directed to call 571-353-2301 and enter Meeting ID 709-478-501#. Adjournment requests will not be considered unless made in accordance with this Court's Individual Rules. If any party has difficulty accessing the conference, please contact Chambers at 718-613-2110.

By 7/29/2024, counsel for the City shall serve a copy of this Order on plaintiff by regular mail and email and file proof of service on ECF. (Cisco Recording.) (EJS)

7/25/24, 6:36 PM

Gmail - Activity in Case 1:22-cv-02396-NRM-JRC Ganesh v. NYPD Police Officer William Clemens et al Status Conference

1:22-cv-02396-NRM-JRC Notice has been electronically mailed to:

Joseph P. Zangrilli jzangril@law.nyc.gov

Jeffrey Fredrick Frank jeffrey.frank@boston.gov

Vidyartie Ganesh Vidyartie3725@gmail.com

1:22-cv-02396-NRM-JRC Notice will not be electronically mailed to:

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U.S. District Court

Eastern District of New York

Notice of Electronic Filing

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Case Number: 1:22-cv-02396-NRM-JRC

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7/25/24, 6:36 PM

Gmail - Activity in Case 1:22-cv-02396-NRM-JRC Ganesh v. NYPD Police Officer William Clemens et al Status Conference

typographical error on 7/24/2024 (SGC).

1:22-cv-02396-NRM-JRC Notice has been electronically mailed to:

Gregg D. Weinstock g.weinstock@bpn.law

Joseph P. Zangrilli jzangril@law.nyc.gov

Karolina Maria Wladerna k.wladerna@bpn.law

Jeffrey Fredrick Frank jeffrey.frank@boston.gov

Vidyartie Ganesh Vidyartie3725@gmail.com

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

RECEIVED IN PRO SE OFFICE

APR 26 2022

CV 22-2383

VIDYARTIE GANESH,

No. 22 - CV -

Plaintiff,

COMPLAINT AND TRIAL BY

-against-

JURY DEMANDED

NYPD POLICE OFFICER WILLIAM CLEMENS, Shield # 27464 , MATSUMOTO, J.

POLICE OFFICER PATRICK FITZMAURICE, Shield # 11671

POLICE OFFICER SGT JOHN MCCORMICK, POLICE OFFICER

LT SIMON, POLICE OFFICERS JOHN/JANE DOE(S) # S 1- 3,

JONH AND JANE DOE STATE PROSECUTOR, DARA E. MCCANTS,

THE CITY OF NEW YORK, THE LEGAL AID SOCIETY AND HOME DEPOT INC.,

Defendants.

CHO, M.J.

U.S. DISTRICT COURT
E.D.N.Y.
CLERK

APR 26 PM 4:21

Plaintiff VIDYARTIE GANESH, for his Complaint, by and through himself and for himself, and
Upon information and belief, Most Respectfully alleges to this Federal Court as Follows:

PRELIMINARY STATEMENT OR BY INTRODUCTION TO AMERICA AND the WORLD

BIASED NYPD Police Officer William Clemens FABRICATED EVIDENCE, and
Corruptly Presented a FALSE Claim in New York City Criminal Court in Queens to
Cover for his Illegal and Unconstitutional FALSE Arrest of his Victim Mr.
VIDYARTIE GANESH. Then NYPD Police officer William Clemens Put Chains on
the Feet of his Victim Plaintiff Ganesh and Hands Cuffed behind his back Despite
the Fact, Plaintiff Ganesh was CRYING for his life and was in a State of Dying and
was Taking to the Hospital with Chains on his Feet and Hands Cuffed behind his
back Like an American SLAVE in Violation of American and International LAW.

1. On April 27, 2019, this Happened in New York City United States of
America, and Done By two NYPD white Police Officers William Clemens
and Patrick Fitzmaurice. Plaintiff VIDYARTIE GANESH, was ATTACKED,
Because of his Race, Color and Ethnicity and without any Provocation and

Without any Warning and NO Notice. So viciously ATTACKED, kidnapped, Seized, and was FALSELY Arrested with Excessive FORCE and Without any Resistance from the victim Mr. Ganesh. The ATTACK was So Cruel that it Quickly Restricted Blood to My Heart and Suffocated My Lungs and I Can't Breathe and Collapsed. And was Taken to New York City Jamaica Hospital.

- 2. Thereafter Mr. Ganesh had Heart Surgery which FAILED Due to Substantial DAMAGE to Mr. Ganesh Heart and other Body Organs and KIDNEYS and now Dying a Slow and Painful Death.**
- 3. This Criminal TORTURE will Shock the Nations of the World and All the People of the World as the WORST NYPD Police Human Rights Violation, Racism and Criminality. As a Result, of this Gross Violation of Mr. Ganesh's Constitutional Rights and Human Rights, he Suffered Permanent Physical and Mental Injuries and IRREPARABLY DAMAGED Psychologically.**
- 4. This is a Civil Rights Action in which Plaintiff VIDYARTIE GANESH (Hereinafter "GANESH" OR "Plaintiff Ganesh") Seeks DAMAGES to Redress the most Serious DEPRIVATION, Under Color of State Law, of Rights Secured to him under the First, Fourth, Fifth, Sixth, Eighth, Unenumerated Rights Ninth, THIRTEENTH and Fourteenth Amendments of the United States Constitution; and Under New York State Constitution Section 11, Etc., and TORT under New York State LAW and Massive Police Cover- Up and FRAUD. There is NO Immunity Or Qualified Immunity and/or Impunity to HARM Innocent People in our Civilized World Run by Democracy and the International Rule of LAW and the United Nations.**

JURY DEMANDED

Why I am an Indian because I was Born One and Love India.

It is Not Possible to be in Favor of JUSTICE for Some People and Not be in Favor of JUSTICE of all the People- Dr. Martin L. King.

- 5. Plaintiff VIDYARTIE GANESH, DEMAND a Federal Jury Trial.**
- 6. If a TRIAL or JURY Trial is DENIED then Fair and Full Reparations are DEMANDED from the Governments of The City of New York, The State of New York, and The United States of America.**
- 7. Outraged by George Floyd's Murder the American People and the World Protested and Demanded JUSTICE for Mr. Floyd due to a long history of Systemic Police Racism and Brutality. George Floyd Received Two Jury Trials. Ex- Police officer Derek Chauvin was Convicted and 3 other Police Officers. Plus George Floyd Family Received over \$ 25 Million Dollars compensation. Here, NO JUSTICE for Indian NYPD Police victim Mr. Ganesh.**
- 8. A Man born in Haiti name Abner Louima Resisted Police Arrest and was Arrested by NYPD Police who Assaulted him. Police Officer Justin Volpe was sent to Prison and Mr. Louima Received over \$ 8 Million Dollars Settlement from herein Defendant City of New York and Mr. Louima is alive and Received Full Justice. Next, Eric Garner Resisted Police Arrest and Died and his Family Received over almost \$6 Million Dollars from herein Federal Defendant City of New York .**
- 9. Here, and in this case Mr. Ganesh Never Resisted Arrest and was FALSELY Arrested, Kidnapped and Framed and Received NO JUSTICE. An Equal Protection Violation is Established here and**

Discrimination in Violation of the 14th Amendment and New York State Constitution, Section 11 and a Racist Double Standard making Defendant New York City a RACIST and MUST be held to the same standard Russia was held to by US Government with Full Sanctions as was Put on the Russian Federation and the Russian President Putin.

10. Time for the Nations of the World and the Rest China, Russia, India, America, Canada, UKRAINE, South America GUYANA, the Caribbean and EUROPE to BOYCOTT a Federal Defendant City of New York RACISM and Double Standards, and call on the American Federal Government, the US Congress and the President and the United Nations to Bring SANCTIONS on one of their own Defendant City of New York for Paying Black NYPD Police victims and Refused to Compensate an Indian NYPD Police victim. This is Clear RACISM and Racial Discrimination and a Violation of New York City So-called Human Rights LAW and New York State unenforceable Human Rights LAW.

11. We the World are Witnessing the Worse RACISM and an Evil Modern day Slavery in New York City, never seen No where on this Earth done by a Police Officer or a Police Force to an Innocent MAN and then FABRICATED Evidence to Cover – Up NYPD Police officer William Clemens Illegalities and Unconstitutionality and Police FRAUD. Thereby putting a STAIN on these United States, the People and American Jurisprudence.

12. America's First President George Washington and United States Third President Thomas Jefferson (1801- 1809) Never, ever DID

anything like this to their Slaves, what NYPD Police officer William Clemens DID to his Indian victim Mr. Ganesh on April 27, 2019. Thereby making the Country America a Human Rights Violator and will seriously undermine US Credibility in the United Nations and the Security Council and US International Standing.

13. By Putting Chains on Mr. Ganesh's Feet, despite the Fact, that Mr. Ganesh is NOT a Slave is in Direct Violation of the United States Constitution the 13th Amendment and thereby making New York City the WORSE Human Rights Violator in our Civilized World. Millions is DEMANDED for Compensation for this Criminality, Terror, Unparalleled Shame, Racism and Horrifying Humiliation that will Shame India and our Indian Race Forever. Any less, will be Timely Rejected and Return to Sender.

14. Former US Federal Prosecutor and Retired United States Federal Judge John Gleeson of the United States District Court in Brooklyn Disagreed with the United States Government and writing in his Decision said "Our Nation's Unique and Complex Law Enforcement and Security Challenges in the wake of the Sept 11, 2001, Attacks do Not Warrant the Elimination of Remedies for the Constitutional Violations alleged here."

15. Federal Judge John Gleeson was born in Bronx New York City, has a long history of Ruling based on Reason and Fairness and Honoring and Complying with the Constitution of the United States, no matter what. These are the Most Powerful words I ever heard coming from an American Judge in Defense of the Constitution of the United States or any Constitution. Federal

Judge John Gleeson should be EMULATED by the World as being on the Right side of History and a Man of Character and Greatness and love for Country and People and Victims.

16. The Constitutional Violations alleged in this case against NYPD Police officers are highly serious and cannot Warrant Dismissal or Elimination of Remedies and JUSTICE or the entire World will Reject and Refuse to accept or Recognize United States Constitution as Legitimate; especially Big and Powerful countries like Russia, China and India that is almost half of the World right there, and will Dismiss US Constitution as Unconstitutional and Worthless and Illegal and Void. Given the history of United States Constitution that remains Unenforceable for years and years and years for Indian and Brown People. Only white and Black People are receiving FULL Justice from the American Courts and the State and Federal Governments.

17. Example See the Dred Scott case a United States Supreme Court case in 1857, where the US Supreme Court Ruling was based solely on Dred Scott Race and Racism because Scott was a Black Slave he was Denied Justice and the Right to be Free and was Put back into Slavery and Poverty and DIED. This is their Justice system today and every day since 1857. This is Not a Compelling Model

for any Country in the World to follow, even GOD don't Trust this System and the American Justice system .

18. In the Fred Korematsu case US Supreme Court Justice Roberts wrote, " This is a case of Convicting a citizen of Punishment for Not Submitting to Imprisonment in a concentration Camp, based on his ancestry." ... The Court had "Shut its Eyes to Reality."

19. US Supreme Court Justice Murphy bluntly wrote that the "exclusion goes over the very brink of Constitutional Power and falls into the Ugly Abyss of Racism."

20. US Supreme Court Justice Murphy concluded that Fred Korematsu's Right to Equal Protection, Freedom of Movement, and Due Process had all been Violated. Justice Murphy called what had happened to Fred Korematsu as "One of the most sweeping and complete DEPRIVATIONS of Constitutional Rights in the history of this Nation."

21. In 1983, United States Federal District Judge Marilyn Patel found that the US Government, forty years earlier, had relied on Unsubstantiated Facts, Distortion, and the representation of a Military Officer whose views were seriously Infected by RACISM." Federal Judge Patel vacated Fred Korematsu's Conviction.

JURISDICTION

22. Jurisdiction is conferred upon this Court by 28 U.S.C. § 1343 (3) and (4), which provides for original Jurisdiction in this Court of all suits brought Pursuant to 42 U.S.C. Section 1983, and 28 U.S.C. Section 1331, which provides Jurisdiction over all Cases brought Pursuant to the Constitution and Laws of the United States. And under the United States Supreme Court Precedent Created and Decided and Became LAW on April 4, 2022. Malicious Prosecution Thompson v. Clark, No. 20.-659. This Court has Pendant Jurisdiction over Plaintiff's State Law Claims.

23. Venue lies in the Eastern District of New York under 28 U.S.C. Section 1391 (b)(2) 1because most of these Defendants herein except Defendant New York City resides in Queens New York. Defendant Police officer William Clemens resides in Brooklyn, New York AND Police FALSE WITNESS Defendant DARA E. MCCANTS, Address is Unknown to Plaintiff and Defendant City of New York, Neglected, Failed and Refused to provide the NYPD FALSE Witness Address. This Defendant could have been SUED a long time but because of the Refusal of Defendant CITY to Comply caused this DELAY and is Responsible and Liable.

THE THEFT OF MR GANESH LAND AND PROPERTIES IN NEW YORK CITY UNITED STATES OF AMERICA, BY STATE JUDGES.

24. New York State Does OWE Reparations for the New York State, Brooklyn Supreme Court Fraudulently Stealing 5 of Mr. Ganesh's Properties in Brooklyn New York City. (3) Eight Family Buildings and (2) Six Family Buildings many years ago through and by its Corrupt State Judges, Justice James H. Shaw and Justice Joseph. In today's Market Worth Millions of US Dollars. This is how these People get RICH by Robbing the Poor and People of color. See more below.

25. "The Standards by which I choose all Federal Judges. The American People expect Judges of the highest CALIBER, and my nominees will meet that Test. A Judge, by the most basic measure, has an Obligation shared by the President and Members of Congress. All of us are Constitutional officers, sworn to serve within the limits of our Constitution and Laws. When we observe those limits, we exercise our Rightful Power. When we Exceed those limits, we Abuse our POWERS... When a President chooses a Judge, he is placing in Human hands the Authority and Majesty of the Law. He owes it to the Constitution and to the Country to choose with care. I have done so." Said Former United States President George W. Bush, May 9, 2001.

PARTIES AND HISTORY OF INJUSTICES

- 26. Plaintiff VIDYARTIE GANESH is a 58-year old Man who resides Temporary in Brooklyn New York City and in Guyana South America, and was Born in British Guyana in 1964 and a Citizen of Guyana South America. British Guyana was a British colony, part of the mainland British West Indies. Move to Canada in the 1980s and Lawfully Immigrated to the United States in New York City in 1984. And the Plaintiff -victim VIDYARTIE GANESH is 100% Indian Guyanese. And India will come to my AID.**
- 27. Plaintiff Ganesh Profession Real Estate Investor and Developer many years ago. Former Owner of many Properties in New York City and Florida and almost All of those Properties were STOLEN through Massive New York State, Brooklyn Supreme Court Corruption, BIAS, Prejudice, Racism and FRAUD, and NO Court TRIAL along with a RIGGED PROCESS.**
- 28. Thereby Constituting Theft and Robbery. I was ROBBED in New York City. Former Brooklyn State Supreme Court Prejudiced Justice JAMES H. SHAW along with another Brooklyn Justice ROBBED Me of 5 Properties 3 Eight Family Buildings and 2 Six Family Buildings in Brooklyn through Court Corruption, NO Trial, Denial of Constitutional Rights, Denial of Due Process and**

DENIED Democracy; and by committing Fraud upon their own Court through Dishonesty and Fraud.

29. They were heavily Biased and deeply Corrupt. In Fact, Former Discredited and Racist African American Justice JAMES H. SHAW was sued in Brooklyn Federal Court by a former Court employee. See attached hereto. Let the whole World See and Hear what they DID to Me and Why? They were Corrupt, Greedy and Racist.

30. NEXT, Former Long Island Supreme Court Biased and Prejudiced Justice BRUCE D. ALPERT Corruptly STOLE My Long Island Property in Lynbrook, New York, through Court Corruption, NO Trial, Denial of State and Federal Constitutional Rights, Denial of Due Process and Denied Democracy; and by Committing Fraud upon his own Court and for the Purpose of Stealing My Property for the Benefit of his People and the unscrupulous Lawyers.

31. I never saw Judge Bruce Alpert or Appeared before him. This Stealing of My Property was done through Force and Fraud. I was told Justice Bruce Alpert was the former counsel to then New York, United States Senator Alfonse D' Amato.

32. I sued then Justice Bruce Alpert, in the State Court for Compensation, but another New York Biased Judge

Dismissed my case claiming Immunity for the Judge. I was told by an American Man that this same Judge was sued in Federal Court by another victim for DISHONESTY, etc.

- 33. Defendant CITY OF NEW YORK (Hereinafter "CITY") is a municipal Corporation, incorporated Pursuant to the Laws of the State of New York, which operates the New York City Police Department (Hereinafter "NYPD"), and as such is the Public Employer of the Defendant NYPD Police Officers herein, with its Principal place of business in Manhattan .**
- 34. Defendant NYPD Police Officer WILLIAM CLEMENS, Shield # 27464, (Hereinafter "NYPD Police Officer CLEMENS") was and still a NYPD Police officer, and at all times relevant hereto, Acted in that Capacity as Agent, Servant, and/or Employee of Defendant CITY OF NEW YORK and within the Scope of their Employment. NYPD Police officer William CLEMENS is Sued in their official and individual capacity.**
- 35. Defendant NYPD Police Officer PATRICK FITZMAURICE, Shield # 11671, (Hereinafter "NYPD Police Officer FITZMAURICE) was and still a NYPD Police officer, and at all times relevant hereto, Acted in that Capacity as Agent,**

Servant, and/or Employee of Defendant CITY OF NEW YORK and within the Scope of their Employment. NYPD Police officer PATRICK FITZMAURICE is Sued in their official and individual capacity.

36. Defendant NYPD Police Officer , Shield # , (Hereinafter “NYPD Police Officer LT SIMON ”) was and still a NYPD Police officer, and at all times relevant hereto, Acted in that Capacity as Agent, Servant, and/or Employee of Defendant CITY OF NEW YORK and within the Scope of their Employment. NYPD Police officer LT SIMON Supervisor is Sued in their official and individual capacity.

37. Defendant NYPD Police Officer, Shield # , (Hereinafter “NYPD Police Officer SGT. JOHN MCCORMICK ”) was and still a NYPD Police officer, and at all times relevant hereto, Acted in that Capacity as Agent, Servant, and/or Employee of Defendant CITY OF NEW YORK and within the Scope of their Employment. NYPD Police officer SGT. JOHN MCCORMICK Approving Supervisor is Sued in their official and individual capacity.

38. Defendants NYPD POLICE OFFICERS JOHN/JANE DOE(S) (Hereinafter "DOE(S)") were NYPD Police Officers, was and still NYPD Police officers, and at all times relevant hereto, Acted in that Capacity as Agents, Servants, and/or Employees of Defendant CITY OF NEW YORK and within the Scope of their Employment. DOE(S) are Sued in their official and individual capacities.

39. At all relevant times hereto, Police Defendants were Acting under the Color of State and local Law. Defendants are Sued in their individual and official capacities. At all relevant times hereto, Defendant CITY OF NEW YORK was Responsible for making and enforcing the Policies of NYPD and was Acting under the Color of Law, to wit, under the Color of the Statutes, Ordinances, Regulations, Policies, Customs and usages of the State of New York and/or the City of New York.

40. At all relevant times hereto, Defendant John and Jane DOE New York State Prosecutor or Prosecutors whose identities are Unknown at this time and who, on information and belief, are assigned to Queens District Attorney Office in New York City and are SUED because.

41. This unknown New York State Prosecutor APPROVED and instituted in Queens Criminal Court in

New York City a FALSE Claim and Charge against Plaintiff VIDYARTIE GANESH the Biggest LIE ever TOLD in a Court Document with Malicious intent to Obtain a FALSE Conviction to put an innocent Indian Man in Prison.

42. On or about April 28, 2019, this Biased, Racist and Reckless New York State Prosecutor Fraudulently, FALSELY and MALICIOUSLY Prosecuted Plaintiff Ganesh in serious Breach of GANESH Due Process Rights and in Violation of the Fourteenth Amendment of the United States Constitution; and in Violation of GANESH Rights Pursuant to New York State Constitution Section 11; and in Violation of GANESH Human Rights and Civil Rights State and Federal. etc.,

43. And That, as a Result, Plaintiff Ganesh Suffered Violation of his Constitutional Rights; and Mental Injuries, Psychological Injuries, Terror, Emotional Injuries, Economic Injuries, Trauma, and Slanderous and Shameful Humiliation, and Severe and Permanent DAMAGE to GANESH REPUTATION. All of said Injuries may or will be Permanent for the rest of his Life.

44. When New York State Prosecutor or Prosecutors Identity is Known through Discovery I Shall Amend said Complaint herein, and ask leave of this Court to Amend said Complaint herein.

Upon information and belief Defendant The Legal Aid Society is a corporation organized under the Laws of New York State with its principal place of business in Queens, New York. (Hereinafter "Legal Aid")

45. Defendant Legal Aid is SUED for NEGLIGENCE, CIVIL RIGHTS AND HUMAN RIGHTS VIOLATIONS and FRAUD etc., and because The Legal Aid Society Represented Plaintiff VIDYARTIE GANESH, on April 28, 2019, in Queens Criminal Court in New York City and appeared in said Criminal Court approximately 2 times more in said Court.

46. Defendant Legal Aid Provided DEFECTIVE and Ineffective Assistance of Counsel and Compromised and BIASED Representation and Incompetent Representation. Legal Aid Provided a Completely BLIND Lawyer to Represent Plaintiff Ganesh who had to be led to the Court by a Caregiver and said Lawyer was Compromised.

47. Defendant Legal Aid Failed, Neglected and / or REFUSED to conduct meaningful Discovery, and Refused to get the highly Relevant Documents and Evidence to PROVE Plaintiff Ganesh Innocence before the Court and Allowed the NYPD Police FALSE Witness to remain in Hiding; and caused and allowed the NYPD Police False Witness AFFIDAVIT to Disappeared. And Failed to get Police Video Evidence and 911 Report, and Betrayed the

Legal and Constitutional Rights, State and Federal of Plaintiff Ganesh; Legal Aid was INEFFECTIVE, by Failing to File Motion to Dismiss, Failed to take Deposition And /or interview NYPD Police False Witness and FAILED to obtain NYPD Police False witness Affidavit and FAILED to Demand Trial by JURY and Provided Plaintiff Ganesh with Wrong Legal Advice and Tricked and Fooled Plaintiff Ganesh to his DETERIMENT and thus, GANESH was Harmed and Damaged Forever. Etc., etc.,

48. That, as a Result, and By Reason of the Foregoing, Plaintiff Ganesh was HARMED and DAMAGED and Suffered Mental Injuries, Emotional Injuries, Trauma, Humiliation, Damage to REPUTATION, and other Psychological injuries. All said injuries may be Permanent.

49. Plaintiff Ask leave to amend said complaint to State All Causes of Action when Ascertained through Discovery.

50. Upon information and belief Defendant HOME DEPOT INC., is a corporation organized under the LAWS of New York with its place of business in Queens.(Hereinafter "HOME DEPOT").

51. Defendant Home Depot is Sued for Unlawfully Permitting NYPD Police to make an Illegal and FALSE Arrest of Plaintiff Ganesh on April 27, 2019, despite the

NO Crime Committed or No Violation of the Law in said Home Depot. Plaintiff Ganesh was a Customer in said Home Depot.

52. Home Depot is Sued for NEGLIGENCE, Civil and Human Rights Violations, New York State Constitutional Violations, Failure to Intervene to Stop NYPD Police Illegal and False Arrest, Violation of New State Law and FRAUD Etc., etc.,. Plaintiff ask leave to amend said complaint to State All causes of Action when ascertained.

53. That, as a Result, Plaintiff was HARMED and DAMAGED and Suffered loses, Mental Injuries, Damage to REPUTATION, Shame, ETC,. ETC,. ALL said Injuries may or will be Permanent.

54. THE BIG LIE AND NOW A BIG FRAUD!!!

55. NYPD Police FALSE Witness Defendant DARA E. MCCANTS, is Sued for FRAUD, DEFAMATION AND NEGLIGENCE, and FALSE CLAIM TO POLICE. (Hereinafter NYPD Police False Witness).

56. Plaintiff Ganesh, NEVER, ever saw or meet this FALSE Witness Defendant Dara E. Mccants, in my entire Life and this NYPD Police False Witness Disappeared, And Never appeared in New York City Queens Criminal Court

and the Alleged FALSE AFFIDAVIT Disappeared from New York City Queens Criminal Court Record . This is the Biggest Criminal Court FRAUD in the World I have ever seen or heard of and the Biggest Injustice.

- 57. That, as a Result, Plaintiff Ganesh was Harmed and DAMAGED IRREPARABLY, and impossible to Rectify or Repair and will seek Millions of Dollars in Damages when the all the FACTS are ascertained and this Person is found and will ask leave of the Court to Amend this complaint to State all Causes of action of said NYPD POLICE FALSE WITNESS DARA E. MCCANTS a FRAUD.**

FACTS

- 58. On April 27, 2019, Plaintiff Ganesh was FALSEY Arrested without a Warrant and without Warning by NYPD 113th Precinct, Police Officers Defendants Willam Clemens and Patrick Fitzmaurice in Home Depot in Queens New York City in the United States of America.**
- 59. On April 27, 2019, Plaintiff Ganesh was FALSELY Arrested with Excessive Force without a Warrant and without Warning by Defendants Police Officers William Clemens and Patrick Fitzmaurice in Home Depot in Queens.**

- 60. On April 27, 2019, Defendant NYPD Police Officer William Clemens Put CHAINS on the FEET of Plaintiff VIDYARTIE GANESH in the 113th Police Precinct.**
- 61. On April 27, 2019, NYPD Police Took Plaintiff Ganesh to Jamaica Hospital with CHAINS on his Feet and Handcuffed behind his back despite the Fact NO Crime Committed and was NOT Accused of any Crime by said NYPD Police on April 27, 2019.**
- 62. On April 27, 2019, Defendant NYPD Police Officer William Clemens, Neglected, Failed and Refused to Provide and or Allow Plaintiff Ganesh to get a LAWYER despite the Fact, Plaintiff Ganesh Begged for a Lawyer at the 113th Police Precinct on April 27, 2019.**
- 63. On April 27, 2019, Defendant NYPD Police officer William Clemens DENIED Plaintiff Ganesh the Right to get a Lawyer on April 27, 2019, at the 113th Precinct.**
- 64. On April 27, 2019, Defendants NYPD Police officers William Clemens and Patrick Fitzmaurice, Never told Plaintiff Ganesh why he was Arrested in the Home Depot.**
- 65. On April 27, 2019, Defendant NYPD Police Officer Patrick Fitzmaurice Left CHAINS on Plaintiff Ganesh Feet**

and Handcuffed one hand to the Hospital Bed in Jamaica Hospital, in Queens New York City.

66. On April 27, 2019, Defendant NYPD Police Officer Patrick Fitzmaurice, without GANESH Consent, Illegally, Unlawfully and Unconstitutionally and Falsely Arrested Plaintiff Ganesh by Handcuffed one hand to the Hospital Bed and left CHAINS on GANESH Feet and illegally Detained Plaintiff Ganesh without a Charge, without Warning and without a Warrant and Illegally Guarding Plaintiff Ganesh in Jamaica Hospital.

67. On or About April 28, 2019, Defendant NYPD Police Officer Patrick Fitzmaurice, against GANESH will or Consent Handcuffed Both Hands to the Hospital Bed with CHAINS on GANESH Feet to allow a Black Nurse to Illegally Injected GANESH and Unlawfully took Blood against GANESH Will or Consent in Jamaica Hospital.

68. These two herein Defendants NYPD Police Officers are the Most CRUEL Human being I have ever seen in the World. Russia, Chain or North Korea Police didn't do this.

69. The 45th President of the United States of America Donald Trump was Born in Jamaica Hospital, New York City. This is the same Jamaica Hospital NYPD Police Office TORTURED Mr. Ganesh. A Disgrace that will live Forever.

FIRST CAUSE OF ACTION PURSUANT TO 42 U.S.C. SECTION 1983 (FALSE ARREST)

Paragraphs 1 through 69 of this Complaint are hereby realleged and incorporated by reference herein.

70. That NYPD Police Defendants herein had NO Evidence. NO Probable Cause or Neither VALID Evidence for the Arrest of GANESH nor Legal cause or Excuse to Seize and Detain GANESH.

71. That NYPD Police Defendant William Clemens Dishonestly Relied on a FALSE Witness who Disappeared thereby Constituting a FALSE Arrest of Plaintiff Ganesh.

72. That NYDP Police Force or Defendant Police officer William Clemens Willfully Failed to ARREST and Prosecute Police False Witness DARA MCCANTS.

73. That in Detaining GANESH without a Fair and Reliable Determination of Probable cause, Defendant City of New York ABUSED its Power and Authority as a Policymaker of the NYPD under the color of State and/or Local LAW.

74. It is alleged that New York City, via their agents, servants, and employees Routinely Charged persons with

Crimes they Did Not Commit. Plaintiff Ganesh was but one of those Persons.

- 75. Upon information and belief, it was the policy and /or Custom of Defendant CITY of New York to inadequately supervise and train its officers, staff, agents and Employees, thereby FAILING to adequately discourage further Constitutional violations on the part of their officers, staff, agents and employees.**
- 76. As a result, of the above Described policies and customs, the officers, staff, agents and employees of Defendant CITY believed that their actions would not be properly monitored by supervisory officers and that Misconduct would not be investigated or SANCTIONED, BUT would be tolerated. In addition, the City of New York had and has a Policy , custom, and/or practice of DETAINING Persons for an EXCESSIVE Period of Time prior to arraignment.**
- 77. The above Described Policies and customs Demonstrated a Deliberate Indifference on the part of the Policymakers of the CITY to the Constitutional Rights of Arrestees and were the Cause of the VIOLATIONS of Plaintiff Ganesh's RIGHTS alleged herein.**

78. By REASON of CITY and Police Defendants ACTS and OMISSIONS, Defendant CITY, acting under color of state LAW and within the Scope of its Authority, in Gross and Wanton Disregard of GANESH'S RIGHTS, subjected Plaintiff Ganesh to an Unlawful Detention, in Violation of the FOURTH AND FOURTEENTH Amendments of the United States Constitution and the Laws of the State of New York.

79. By REASON of the Foregoing, Plaintiff Ganesh Suffered Physical injuries, Mental injuries, DEPRIVATION of Liberty and Privacy, Terror, HUMILIATION, Damage to REPUTATION and other Psychological injuries. ALL of said Injuries may or will be PERMANENT.

SECOND CAUSE OF ACTION PURSUANT TO 42 U.S.C. SECTION 1983 (EXCESSIVE FORCE)

THIRD CAUSE OF ACTION PURSUANT TO 42 U.S.C. SECTION 1983 (MALICIOUS PROSECUTION)

Paragraphs 1 through 79 of this Complaint are hereby realleged and incorporated by reference herein.

80. That NYPD Police Defendants, with Malicious intent, arrested GANESH and initiated a criminal proceedings Despite the Knowledge that Plaintiff Ganesh had Committed NO Crime.

- 81. That ALL Charges against GANESH were Terminated and Dismissed in his Favor.**
- 82. That there was NO Probable cause for the arrest and Criminal proceeding.**
- 83. That By REASON of Police Defendants ACTS and Omissions, Defendants, Acting under the color of State Law and within the scope of their Authority, in Gross and Wanton Disregard of GANESH'S RIGHT, Deprived GANESH of his Liberty when they MALICIOUSLY Prosecuted GANESH and subjected GANESH to an Unlawful, Illegal and Excessive Detention, in Violation of Ganesh RIGHTS Pursuant to the Fourth and Fourteenth Amendments of the United States Constitution.**
- 84. That upon information and belief, Defendants had a Policy and/or custom of MALICIOUSLY Prosecuting individuals despite the lack of Probable cause. That, as a Result, of the above described policies and customs, GANESH was MALICIOUSLY Prosecuted despite the FACT, that he had Committed NO violation of the LAW.**
- 85. That upon information and belief it was the Policy and/or custom of the Defendant CITY of New York, to inadequately hire, train, supervise, Discipline and/or terminate their Officers, staff, agents and employees, thereby FAILING to Adequately Discourage further**

Constitution Violations on the part of their officers, staff, agents, and employees.

86. That as a Result, of the above described policies and customs, Defendant CITY of New York believed that their Actions would not be properly Monitored by supervisory officers and that MISCONDUCT would not be investigated or SANCTIONED, but would be tolerated.

87. That the above described policies and customs Demonstrated a Deliberate Indifference on the part of the Policymakers of Defendant CITY to the Constitutional RIGHTS of arrestees and were the cause of the Violation of Plaintiff Ganesh's RIGHTS alleged herein.

88. That in so Acting, Defendant CITY of New York ABUSED its powers and Authority as Policymaker of the NYPD under the color of State and/or local LAW.

89. That upon information and belief, in 2014, Defendant CITY of New York had a Policy or routine Practice of alleging FACTS against Persons of charging Crimes they DID NOT Commit.

90. That By REASON of the Foregoing, Plaintiff Ganesh Suffered Physical and PSYCHOLOGICAL injuries, Traumatic Stress, Post- Traumatic Stress Disorder, Mental Anguish, Economic DAMAGES, Damage to REPUTATION, Shame HUMILIATION, and INDIGNITY. ALL of said Injuries may or will be PERMANENT.

FOURTH CAUSE OF ACTION PURSUANT TO 42 U.S.C. SECTION 1983 (DENIAL OF FAIR TRIAL)

FIFTH CAUSE OF ACTION PURSUANT TO 42 U.S.C. SECTION 1983 (DENIAL OF NO TRIAL)

SIXTH CAUSE OF ACTION PURSUANT TO 42 U.S.C. SECTION 1983 (FAILURE TO INTERVENE)

SEVENTH CAUSE OF ACTION PURSUANT TO 42 U.S.C. SECTION 1983 (DENIAL OF MEDICAL TREATMENT)

EIGHTH CAUSE OF ACTION PURSUANT TO 42 U.S.C. SECTION 1983 (DUE POROCESS VIOLATION / FOURTH AMENDMENT RIGHTS)

NINTH CAUSE OF ACTION PURSUANT TO 42U.S.C. SECTION 1983 FOR NEW YORK CITY MODERN DAY SLAVERY PUTTING CHAINS ON THE FEET ON INDIAN NYPD POLICE VICTIM MR. GANESH ON APRIL 27, 2019, IN THE UNITED STATES OF AMERICA AND PURSUANT TO THE THIRTHEENTH AND EIGHTH AMENTMENTS TO THE UNITED STATES CONSTITUTION; AND NEW YORK CITY HUMAN RIGHTS LAW AND INTERNATIONAL LAW AND NEW YORK HUMAN RIGHTS LAW.

TENTH CAUSE OF ACTION FOR TORTURE PURSUANT TO 42 U.S.C. SECTION 1983 IN VIOLATIONS OF THE EIGHTH AND 14TH AMENDMENTS TO THE UNITED STATES CONSTITUTION AND NEW YORK CONSTITUTION; AND UNITED NATIONS CONVENTION AGAINST TORTURE (CAT CLAIM) AND IN VIOLATION OF 18 U.S.C. SECTION 242

Plaintiff Ganesh Respectfully ask leave of the Court to Amend this Complaint herein and of the Causes of Action Second, Fourth, Fifth, Sixth, Eighth, Ninth, and Tenth. Because Defendant CITY Blocked Evidence etc.,

INJURY AND DAMAGES

As a Result, of the ACTS and CONDUCT Complained of hereinabove. NYPD Police Victim Plaintiff VIDYARTIE GANESH has SUFFERED and will Continue to Suffer Economic Injuries, Physical Pain, Emotional Pain, Suffering, Permanent Disability, Inconvenience, Loss of Family and Friends, Severe DAMAGE to REPUTATION, Loss of Enjoyment of LIFE, Loss of liberty, and other Non- Pecuniary Losses. Plaintiff Ganesh has Experienced Severe Emotional and Physical Distress and Chest Pain and had Heart Surgery done on December 16, 2021.

WHEREFORE, Plaintiff VIDYARTIE GANESH Respectfully Requests that this Honorable United States Federal Court Rule Justly and JUDGMENT be Entered:

- 1. Awarding VIDYARTIE GANESH Compensatory DAMAGES in a Full and FAIR sum to be Determined by a Federal JURY Trial;**
- 2. Awarding Plaintiff VIDYARTIE GANESH Punitive DAMAGES in the amount of \$50 Million Dollars or to be Determined by a Federal JURY Defendant CITY of New York is NOT Excluded;**
- 3. Awarding Plaintiff VIDYARTIE GANESH Interest from April 27, 2019;**
- 4. Awarding Plaintiff VIDYARTIE GANESH Reasonable Court costs and Fees Pursuant to 42 USC Section 1988; and**
- 5. Granting such other and further Relief as this Federal Court Deems Just, Fair and Proper.**

**DATED : Brooklyn, New York City, United States
April 26, 2022**


**VIDYARTIE GANESH
Plaintiff – Pro-Se**

**503 Euclid Ave, Brooklyn
New York 11208 . 929 – 304 – 4954.**

Defendants Addresses:

1. Defendant City of New York

**The City of New York Office of the Comptroller
1 Centre Street, New York, N . Y. 10007-2341**

**Defendant Home Depot Inc.
132-20 Merrick Blvd
Springfield, New York, 11434**

**Defendant Police Officer Patrick Fitzmaurice
NYPD 113th Precinct , 167 -20 Baisley Blvd, Jamaica, NY 11434
Defendant Police Officer William Clemens, NYPD Warrant
Section, 300 Gold Street, Brooklyn, NY 11201.**

**Police Defendant John McCormick,
NYPD 113th Precinct, 167 – 20 Baisley Blvd, Jamaica, NY 11434
Defendant Police Officer LT Simon**

**NYPD 113th Precinct, 167 20 Baisley Blvd, Jamaica, NY 11434.
Defendants JOHN/ JANE DOE(s) 1-3
NYPD 113th Precinct, 167-20 Baisley Blvd, Jamaica, NY 11434**

**Defendant The Legal Aid Society
120-46 Queens Blvd, Kew Gardens, 11415**

*Please See ^{Attached} Two Money orders for \$402.00
4-26-2022
29*

Exhibit "A"

metro
NEWS

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FILED

AUGUST 20, 2019

NYPD fires officer who placed Eric Garner in deadly chokehold

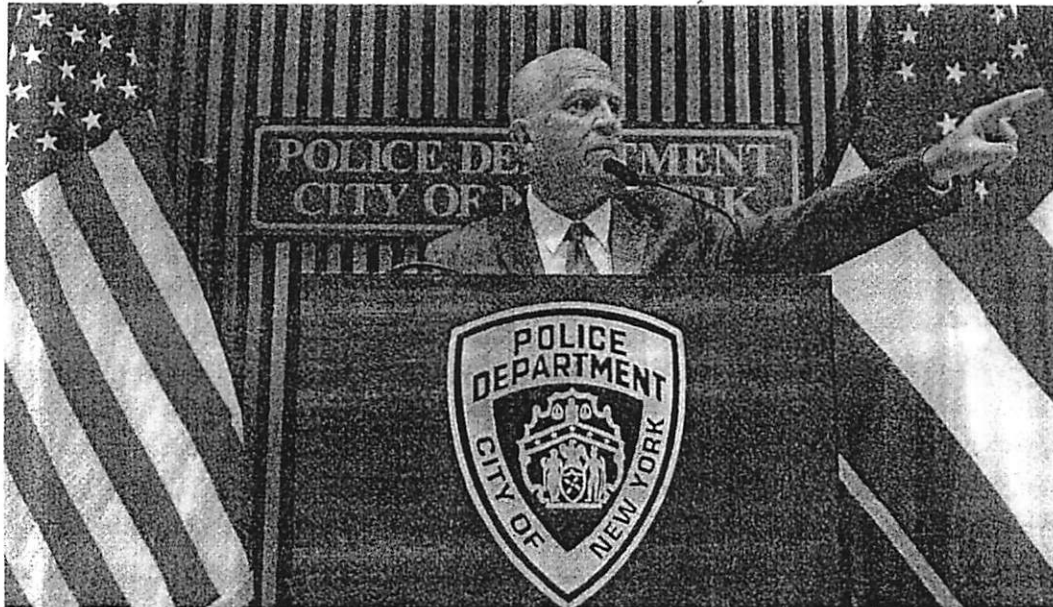
iously, a grand jury declined to indict Daniel Pantaleo, and the city Dept. opted to prosecute.

New York Police Department on Monday fired a white officer involved in a deadly chokehold that killed Eric Garner while he was being arrested in an incident that fueled the "Black Lives Matter" movement.

The case, made famous by Garner's plaintive cries "I can't breathe" with Daniel Pantaleo's rapped around his neck at the NYPD for 19 years while the States dealt with a series of other cases of officers killing unarmed African-American men.

A phone video captured Pantaleo using a chokehold on Garner on a Staten Island street during an arrest for selling untaxed cigarettes. A grand jury declined to indict Pantaleo, but the U.S. Justice Department opted not to prosecute, but Pantaleo was suspended earlier this month when a federal judge ruled the officer should be fired. He had been on the force since the incident on July 17, 2014.

The Commissioner



New York Police Department (NYPD) Commissioner James P. O'Neill speaks at a news conference at police headquarters in New York, Aug. 19, 2019. REUTERS

James O'Neill, in announcing the firing, said he had been thinking about the case ever since he assumed the top job in 2016, weighing how Garner resisted arrest and, in his view, Pantaleo acted properly up until the moment he applied the chokehold after the two men fell to the ground.

"Every time I watched the video, I say to myself, as probably all of you do, to Mr. Garner: 'Don't do it. Comply.' To Officer Pantaleo: 'Don't do it,'" O'Neill said.

O'Neill repeatedly returned to the empathy he had for Pantaleo, having himself been a uniformed officer for 34 years. "That could possibly be me ... I

"Every time I watched the video, I say to myself, as probably all of you do, to Mr. Garner: 'Don't do it. Comply.' To Officer Pantaleo: 'Don't do it.'"

Police Commissioner James O'Neill

may have made similar mistakes," O'Neill said.

Police went into the neighborhood to enforce a series of petty crimes that reduced the quality of life in the neighborhood, O'Neill said. He also said he understood some police officers would be angry with him for not supporting one of their own.

But in the end, O'Neill said, he could not overlook that Pantaleo applied

the chokehold despite having received sufficient police training that such a hold was barred, resulting in what he called "an irreversible tragedy."

The head of the police union immediately condemned the decision, saying the commissioner gave in to political pressure and that his decision would put officers at greater risk.

"It is absolutely essen-

tial that the world know that the New York Police Department is rudderless and frozen," Patrick Lynch, president of the Police Benevolent Association, told a news conference. "The leadership has abandoned ship and left our street officers on the street alone, without backing."

"This mayor needs to be removed. The police commissioner needs to know he has lost the police department," Lynch said.

Garner's death, and the slow-moving investigations that followed, have generated some of the harshest criticisms of Mayor Bill de Blasio during his tenure and have

spilled over into his campaign for the Democratic presidential nomination.

The case tested the liberal mayor's relationship with both civil rights activists, who have long complained that the city's black and Latino residents are harassed by police and the rank-and-file police officers who work for him, some of whom say they have been made scapegoats by his office.

\$5.9M

In 2015, New York City paid a \$5.9 million settlement to Garner's family to avoid a civil lawsuit.

"There was a fair and impartial process and justice was done," de Blasio told a news conference.

Garner's daughter Emerald Garner disagreed that justice was done. She wore a T-shirt with "MURDERER" emblazoned across the front as she appeared at a news conference with civil rights leader Al Sharpton.

"Officer Pantaleo, well now I can say Daniel Pantaleo, is a murderer and that's just how I feel," Emerald Garner said. "I wear my emotions on my sleeve and now I wear on my chest."

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REUTERS

Long Island home in January,
pleaded guilty in Queens
Criminal Court on Tuesday.

MARCUS SANTOS / NEW YORK DAILY NEWS

Wednesday, June 20, 2018

DAILY NEWS NYDailyNews.com

CALL ME DO-LITTLE

Ex-Qns. detective pleads guilty to fabricating witnesses

By Rocco Parascandola
NEW YORK DAILY NEWS

The recently retired NYPD detective who created phony witnesses so he could close out cases without actually investigating them pleaded guilty Tuesday to official misconduct.

Thomas Rice, dubbed "Detective Do-Little" by the Daily News, was arraigned Tuesday morning, then pleaded guilty in Queens Criminal Court for not properly investigating 11 vehicle break-in cases — including six said to have been witnessed by the same person, Harry Sadhadheo.

Rice really appeared to have been wild about Harry — Queens District Attorney

Richard Brown said he listed Sadhadheo twice as a man and four times as a woman.

For the record, the person doesn't exist, Brown said.

Rice, 44, was sentenced to a conditional discharge and waived his right to appeal.

A month ago, Rice was knocked back to the rank of police officer and forced to retire and forfeit 60 vacation days after investigators found more cases in which he fabricated witnesses and other information.

That followed earlier News articles detailing Rice's misconduct as a member of the 106th Precinct's detective squad in Ozone Park, Queens.

While there, Rice closed at least 22 grand larceny cases

between 2011 and 2012 by entering more than 100 fake witness names and addresses in official documents.

After he was caught, the NYPD allowed him to keep his job and rank, but docked him 20 vacation days and transferred him to Brooklyn's 67th Precinct. The NYPD never disclosed its full decision.

The department's handling of the case raised questions about whether the disciplinary system was free of influence.

Queens prosecutors started a review following The News' articles.

On Tuesday, Brown said the 11 cases are from Jan. 1 to April 1, 2013, in which Rice "made false and misleading

statements."

"The cases he was investigating involved vehicle break-ins where property was taken and he closed the investigations without performing his due diligence," Brown said. "The defendant listed nonexistent addresses as places he had interviewed witnesses and included the same names multiple times. ... It is believed these were fictitious witnesses made up to include in the reports."

Rice's union, the Detectives' Endowment Association, has supported him, blasting The News' coverage as overkill and spending union dues to pay for a billboard on Wall St. depicting a dog urinating on a copy of The News.

Ex-Queens judge spanked by appeals panel in '16 assault case

BY ROCCO PARASCANDOLA
NEWS POLICE BUREAU CHIEF

Wednesday, November 17, 2021

DAILY NEWS NYDailyNews.com

An appeals court has once again cited a Queens judge for acting more like a prosecutor, ruling that a man convicted of attempted assault deserves another trial.

For now-retired Supreme Court Justice Ronald Hollie, it's at least the eighth time he's been cited for prejudicial conduct in the courtroom.

Hollie, who retired in late 2020,

oversaw the 2016 trial of Wilfridy Martinez, who a year earlier was busted for stabbing another man outside a Jackson Heights bar.

Martinez, 25 at the time of the stabbing, appealed, and while his lawyer, Anna Jouravleva, wouldn't comment, the Appellate Division, 2nd Department, made clear in its Nov. 10 decision that it has no doubt Martinez is guilty.

But the appeals judges said Hollie "engaged in extensive questioning of witnesses, usurped

the role of attorneys and generally created the impression that [the court] was an advocate for the people."

The Appellate Division ordered a new trial before a different judge, saying it was in the "interest of justice."

Martinez had been convicted of assault, weapon possession and harassment, and was sentenced to four years in prison, said the Queens district attorney's office.

The DA's office says it is

reviewing the Appellate Division decision.

It wasn't clear if the appeals judges knew Hollie retired in October 2020 after 22 years on the bench.

Hollie could not be reached for comment.

Since 2017, Hollie (right) has been cited by the Appellate Division for similar behavior in cases including a murder conviction and convictions for assault and robbery,

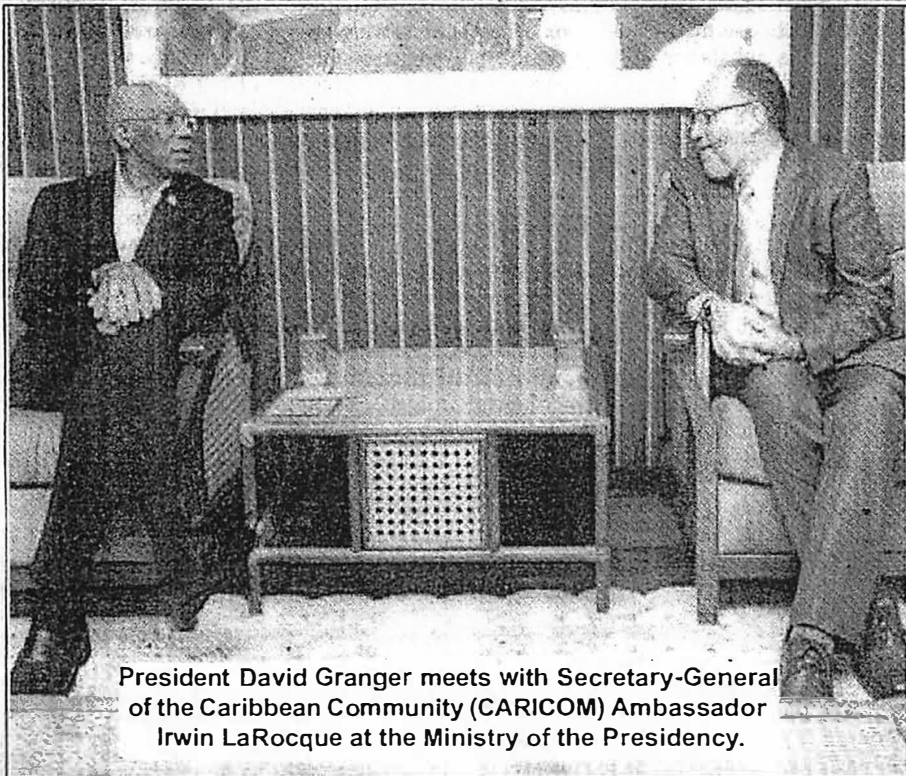


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Granger tells CARICOM, OAS elections were lawful



President David Granger meets with Secretary-General of the Caribbean Community (CARICOM) Ambassador Irwin LaRocque at the Ministry of the Presidency.

President David Granger met with Secretary-General of the Caribbean Community (CARICOM) Ambassador Irwin LaRocque and representatives of the Organization of the American States (OAS) at the Ministry of the Presidency, yesterday.

tions Commission (GECOM). The President said also that it is not the role of the Executive to interfere in the work of the Commission. The President has not acted unlawfully. "We are awaiting the final declaration from GECOM," President Granger said.

US warns Guyana of consequences

The US is taking a tough stance on the elections developments in Guyana. Yesterday it hinted at sanctions.

"Under U.S. law and practice, those who participate and benefit from electoral fraud, undermine democratic institutions and impede a peaceful transition of power can be subject to a variety of consequences," says Assistant Secretary (ag) for U.S. Department of State's Bureau of Western Hemisphere Affairs, Michael Kozak, in Twitter posts.

The warnings came after a landmark court ruling on Wednesday following a challenge to the Region Four results in the recent general and regional elections held on March 2 by a citizen.

The Opposition, local and international community, and several countries, have been calling on the Guyana Elections Commission (GECOM) to follow procedures as outlined in the laws. The issue of "consequences" has been a real fear with the US in the past revoking visas for officials in other countries, among other actions.

Yesterday, Kozak made it

- says 'de facto' regimes will not receive same treatment as democratically elected ones.

Sanctions?
- US Assistant Secretary, Michael Kozak



clear that the US is paying close attention to the electoral tabulation process for Region Four. "We join the Guyanese people and the international community in calling for Guyanese election authorities to follow accepted procedures and allow international election observers to verify the results."

He said that it is essen-

tial that the High Court-mandated elections tabulation in Guyana be concluded in a free, fair, and transparent manner.

The US official made it clear that it will not treat an illegal government as normal rather "de facto regimes do not receive the same treatment from us as democratically elected governments".